IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 3272 of 2007(M)

PETITIONER:

ALPHONSA, W/O. JOSHY, AGED 45 YEARS,
ALUKAL HOUSE, VARANDARAPPILLY, THRISSUR.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:
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1. THE STATE OF KERALA, REP. BY
SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. YARANDARAPPILLY GRAMA PANCHAYAT,
REP. BY ITS SECRETARY, OFFICE OF THE
VARANDARAPPILLY GRAMA PANCHAYAT,
VARANDARAPPILLY P.O., THRISSUR-680 303.

BY ADV. SRI.RENJITH THAMPAN
SMT.P.A.ANITHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS.C.KURIAKOSE .J

W.P.(C) No.3272 of 2007

Dated this the 27th day of March 2007

JUDGMENT

As rightly submitted by the learned counsel for the Panchayath the issue involved is covered by the judgment by this court in **Thomas Paul Vs.State of Kerala 2007(1) KLT 267**. It is made clear that in the absence notification under Rule 3 of the Panchayath Raj (Manner of Publication of Notification or Notice) Rules 1996 (Kerala),the 2nd respondent Panchayath is not justified in denying permission to the construction of the petitioner's building on the basis of Ext.P1. Accordingly the 2nd respondent Panchayath is directed to pass orders on Ext.P3 in the light of the declaration which is issued as above at the earliest, and at any rate within two months of receiving a copy of this judgment.

PIUS.C.KURIAKOSE,JUDGE

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